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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,062	05/21/2001	Shinichi Odake	A-399	7594

802            7590            06/12/2003  
DELLETT AND WALTERS  
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PORTLAND, OR 97204

EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 06/12/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K

<b>Advisory Action</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/863,062	ODAKE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Corbett B. Coburn	3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 May 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a)  The period for reply expires 4 months from the mailing date of the final rejection.
- b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.  A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2.  The proposed amendment(s) will not be entered because:
  - (a)  they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  they raise the issue of new matter (see Note below);
  - (c)  they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: *The physical location of the window is a new issue.*

3.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4.  Newly proposed or amended claim(s) \_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5.  The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.
6.  The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7.  For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8.  The proposed drawing correction filed on \_\_\_\_ is a)a) approved or b) disapproved by the Examiner.

9.  Note the attached Information Disclosure Statement(s)( PTO-1449) Paper No(s). \_\_\_\_\_.

10.  Other: See Attached

## **DETAILED ACTION**

### *Specification*

1. Applicant's amended specification has been entered.

### *Response to Arguments*

2. Applicant's arguments filed 28 May 2002 have been fully considered but they are not persuasive.
3. Applicant states that "camera-type" input device refers to more than the physical shape of the input device. Yet Applicant has failed to specify exactly what additional features are meant to be claimed. We know from Applicant's specification that the device is not actually a camera – it does not actually take a picture. We know from Applicant's drawings that the device looks like a 35 mm camera. (Fig 3) Should Applicant continue prosecution of this case, Examiner strongly urges amendment of the claims to claim the features that distinguish "camera-type" from "having the physical appearance of a camera".
4. Applicant argues that there is a difference between marksmanship and photographic excellence. While this may be true, it is beyond the scope of the claims.
5. Applicant argues that the "computer game industry teaches away from popular pastimes and more toward unusual activities." Yet there are any number of games involving hunting, fishing, golf, baseball, and even photography. These are all popular pastimes.
6. Applicant argues that Tanaka's camera would take poor pictures. The quality of the images taken by Tanaka's camera are not at issue. Tanaka teaches that a camera-type input device can be used with a video game apparatus.

7. Applicant argues that Yoshida does not duplicate a subset of the image. This is not commensurate with the scope of the claims.
8. In response to applicant's argument that Sawano fails to teach reducing the processing load, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).
9. All other arguments are drawn to claims as amended and are moot because the amendment has not been entered, or they are a restatement of arguments answered above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.



JESSICA HARRISON  
PRIMARY EXAMINER

Art Unit: 3714

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc

June 5, 2003